

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X
JUDY CHOI,

Plaintiff,

-against-

PETITION FOR REMOVAL

Civil Action No. 710873/2020

DANIEL WARRINGTON AND BEST TRAILS INC,

Defendants.

-----X

Defendants Best Trails Inc, BEST TRAILS AND TRAVEL CORP i/s/a Best Trails Inc and Daniel Warrington, by SMITH MAZURE, P.C. in the above-entitled proceeding, desiring to exercise their right to removal pursuant to 28 U.S.C. §§1441 and 1446, as amended by the Judicial Improvements and Access to Justice Acts §1016 (HR 4807), state as follows:

1. This suit was commenced by plaintiff against the defendants in the Supreme Court of the State of New York, County of Queens. Plaintiff seeks damages for personal injuries in the amount of in excess of lower courts in New York State, exclusive of costs and disbursements. Plaintiff's causes of action sound in negligence. Copies of plaintiff's Summons and Complaint and defendants' Answer are annexed, cumulatively, as Exhibit "A".

2. This is a suit of civil nature which this United States District Court has original jurisdiction by reason of the diversity of citizenship of the parties pursuant to 28 U.S.C. § 1332.

3. Plaintiff's Summons indicates that plaintiff is a citizen of the State of New Jersey residing in Bergen County, New Jersey. See Exhibit "A".

4. This litigation arises from an automobile accident which occurred in the State of New Jersey on January 19, 2020. See Police Report annexed hereto as Exhibit "B".

5. Defendant, BEST TRAILS AND TRAVEL CORP i/s/a Best Trails Inc is a corporation duly organized and existing under the laws of the State of New York, with Richmond County designated as its residence county. See Exhibit "A" and NYS Department of State Division of Corporations entity information annexed here to as Exhibit "C".

6. Defendant, DANIEL WARRINGTON, is an individual and a resident of the State of New York, Queens County. See Exhibits "A" and "B".

7. Based upon the foregoing, it appears that there is complete diversity between the plaintiff and the defendants.

8. The amount in dispute in this action is alleged to exceed the sum of \$75,000.00 exclusive of interests and costs.

9. The time to file this Petition for removal of this action to this Court has not elapsed and Defendants' time to answer the summons and complaint has not expired.

WHEREFORE, Defendants Best Trails Inc, BEST TRAILS AND TRAVEL CORP i/s/a Best Trails Inc and Daniel Warrington, request that this case be removed to the United States District Court, Eastern District of New York, together with such other and further relief as to this Court may seem just, proper and equitable including but limited to sua sponte removal to the Federal District Court for the District of New Jersey.

Dated: New York, New York
September 10, 2020

Yours, etc.,



by: Jacob Jay Young (JJY-4855)
SMITH MAZURE, P.C.
Attorneys for Defendants
Best Trails Inc, BEST TRAILS AND
TRAVEL CORP i/s/a Best Trails Inc
and Daniel Warrington
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TO:
Sacco & Fillas, LLP
Attorney for Plaintiff
Judy Choi
31-19 Newtown Avenue, Seventh Floor
Astoria, NY 11102
(718) 746-3440/(718) 746-4117 (F)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition for Removal was mailed by first class mail, postage prepaid, this September 10, 2020, to all counsel of record as indicated on the service list below.



J. Jay Young
For the Firm

SERVICE LIST

Sacco & Fillas, LLP
Attorney for Plaintiff
Judy Choi
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(718) 746-3440/(718) 746-4117 (F)

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SMITH MAZURE, P.C.

Attorneys for Defendants

Best Trails Inc, BEST TRAILS AND TRAVEL CORP i/s/a Best Trails Inc

and Daniel Warrington

111 John Street

New York, NY 10038

(212) 964-7400

LIC-00107

CERTIFICATION PURSUANT TO F.R.Civ.P. 11

J. JAY YOUNG hereby certifies that, pursuant to F.R.Civ.P. 11, the foregoing is not frivolous nor frivolously presented.

Dated: New York, New York
September 10, 2020



J. JAY YOUNG